

## REMARKS

### Amendments

The features of claim 6, which is now cancelled, are incorporated into claim 2. No change in scope of the subject matter of claim 6 has been achieved, which subject matter is in the independent claim.

Formality matters have been corrected in the withdrawn claims, which directly or indirectly all depend on claim 2, and are directed to products which include or are formed from the product of claim 2. The consideration of these withdrawn claims is respectfully and courteously requested. If the product of claim 2 is found allowable, it should follow that products containing the same allowable product should be readily allowable too.

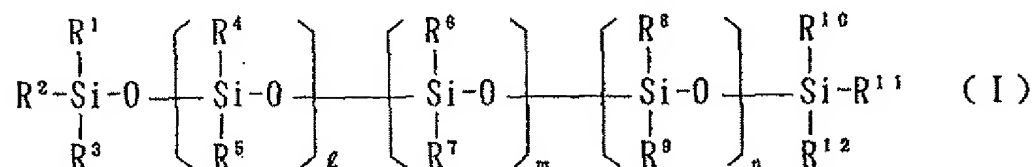
### The Rejection Under 35 USC § 103

The rejection of claim 2 over US 5,144,054 in view of WO 01/92375 is moot in view of the amendments to the claims.

Claims 2, 4, 6 and 36 are rejected as allegedly unpatentable over Shioya, US 5,144,054, in view of Sakuta, WO 01/92375, and Harai, EP 0350951.

The organopolysiloxane polymer of the amended present invention is an organopolysiloxane polymer obtained by addition reaction of an organohydrogenpolysiloxane having no glycerol group represented by (a2) and a glycerol derivative having 2-20 alkenyl groups represented by (b1). Therefore, the organopolysiloxane polymer of the amended present invention has the three-dimensional cross-linking structure cross-linked by a (poly)glycerol group.

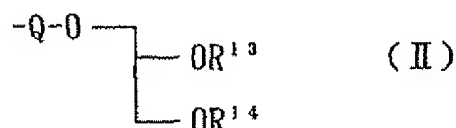
Thus, the organopolysiloxane polymer of the present invention is three-dimensional cross-linked. On the contrary, the component (C) described in Shioya reference is a straight chain siloxane as is clear from the following formula (I). Therefore, they are different in their structures.



The cross-linked organopolysiloxane of Sakuta reference is polyoxyalkylene-modified and the cross-linked organopolysiloxane of the amended present invention is glycerine-

modified. Therefore, Sakuta reference and the present invention are different in both their structures and properties.

The component (C) described in Shioya reference has a glyceryl group represented by the following formula (II).



In this glyceryl group, only one terminal is combined with a Si atom of polysiloxane by means of the bivalent hydrocarbon group Q having 3-20 carbon atoms (lines 26-43, column 5, Claim 1). Therefore, the glycerol compound having an unsaturated bond at only one molecular end should be used in order to synthesize the component (C) described in Shioya reference.

Therefore, even though the glycerol compound having an unsaturated bond at only one terminal used for synthesizing the component (C) described in the above Shioya reference is used instead of the alkylene-containing polyoxyalkylene used for the organopolysiloxane of Sakuta reference, the organopolysiloxane having the three-dimensional cross-linking structure cross-linked by the glycerol group of the amended present invention can not be obtained.

In addition, although not necessary for the patentability of the present claims, results in the present application demonstrate significant unexpected advantages over the cross-linked polyether-modified silicone corresponding to the Sakuta reference. See Table 2, page 2, English Specification of the present invention.

The cross-linked polyether modified-silicone is used for Comparative Examples 1 and 2 of Table 2 as shown in Table 1 of page 49. In Examples 11 and 12, "the pasty composition of Example 1", namely, the compositions using an organopolysiloxane polymer obtained by the reaction of components (a2) and (b1), which corresponds to the amended Claim 2, are used.

It is described in Table 2 that Comparative Examples 1 and 2 are significantly poorer than the present invention in "Moistness after use" and "Long-term moistness." Thus, it is established that the cosmetic material using the polymer of the amended present invention is

significantly improved over the cosmetic material using the cross-linked polyether-modified silicone of Sakuta reference in moisturizing properties and resistance to drying (line 18, page 49 to line 7, page 50, English Specification), which could not have been expected from the disclosures of the prior art references.

The organopolysiloxane polymer of the present invention is used for cosmetic materials. On the contrary, the Harai reference is an invention of silicone rubber adhesive agent. Therefore, there is no motivation in that that the person skilled in the art uses the techniques described in Harai reference for the present invention.

Just because Shioya discloses that "water-in-oil type emulsifying dermatotherapeutic external agents represented by water-in-oil type emulsifying cosmetic preparations have been widely used in virtue of their excellent properties such as good fitness to a skin due to a film formed on a skin surface, good cosmetic adhesiveness and the like," does not mean that one of ordinary skill in the art would make the unjustified leap to using any material in a cosmetic composition which has adhesive properties without regard to other properties, uses, etc., thereof, including silicone rubber adhesives, which are disclosed to "tightly bond the adherent partners into a single, integral body." See the end of the abstract. Nowhere does the Office Action explain why one would put an adhesive into a cosmetic composition that is disclosed to bond objects together to form a single, integral body.

In any event, even if these references would have been combined by one of ordinary skill in the art, the result would not have been the presently claimed invention.

An organohydrogenpolysiloxane of component (B) in Harai reference may be included in the organohydrogenpolysiloxane (a2) in the present invention. Glycerol diallyl ether, diglycerol diallyl ether, and diglycerol triallyl ether mentioned as the examples of partial allyl ether of multivalent alcohol of component (F) in Harai reference (lines 12, 13, page 4) may be included in the glycerol derivative of (b1) in the present invention.

Furthermore, there is no reason for removing these components from Harai since it is described in Harai reference that "component (D) is an essential component which imparts adhesiveness" (see, page 3, line 50) and that "component (E) is an essential component which, like component (D), imparts adhesiveness" (see, page 4, lines 6-7).

However, an acryl-functional or methacryl-functional silane coupling agent of component (D) and an epoxy-functional silane coupling agent of component (E) are not used for the polymer of the present invention. Therefore, the claimed invention cannot be obtained from the disclosure of these references no matter how combined.

Accordingly, the claimed invention is not obvious from these references.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,  
/Csaba Henter/

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